CF0000166770

HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 3912 /06

Petitioner : Netram Rathiya
Caste Kawar(Adiwashi)
Singhanpur, P.O.-Naharpali
Teh. Kharsiya,
Distt. Raigarh (C.G.)

Versus

Respondents :

1. State of Chhattisgarh
through Secretary
Land & Revenue Deptt.
D.K.S. Bhawan, Raipur (C.G.)

2. Collector
Raigarh (C.G.)

3. Sub-Divisional Officer
Kharsiya, Distt.Raigarh(CG)

4. District Land Acquisition
Officer, Distt.Raigarh(CG)

HIGH COURT OF CHHATTISGARH : BILASPUR

Division Bench

Coram : Hon'ble Shri H.L. Dattu, CJ &
Hon'ble Shri V.K. Shrivastava, J

WRIT PETITION No. 2442/2006

Petitioner : Netram Rathiya

Versus

Respondents : State of C.G. & Others

WRIT PETITION No. 3912/2006

Petitioner : Netram Rathiya

Versus

Respondents : State of C.G. & Others

WRIT PETITION No. 1716/2006

Petitioner : Netram Rathiya

Versus

Respondents : State of C.G. & Others

WRIT PETITION No. 3284/2006

Petitioner : Netram Rathiya

Versus

Respondents : State of C.G. & Others

WRIT PETITION No. 3285/2006

Petitioner : Villagers of Singhanpur

Versus

Respondents : State of C.G. & Others

Present : Shri Prashant Mishra, Addl. Advocate General for the State.

ORAL ORDER

(Passed on 13th February, 2007)

The following oral order of the Court was passed by H.L. Dattu, CJ.

Since the issue involved in all these writ petitions is common, they are clubbed, heard and disposed of by this common order.

(2) After receiving the letters from various private parties, the learned Chief Justice of this Court had directed the Registry to register those letters as writ petitions.

(3) After such registration of the cases, the Registry had posted the matters before this Court for further orders. This Court had directed the learned Additional Advocate General to take notice of the writ petitions and file their return, if any.

(4) The respondents have now filed their detailed statement of objections and in that, they have also enclosed a copy of the order passed by this Court in W.P.No.279 of 2006.

(5) Now the matter is posted before this Court for admission.

(6) Learned Additional Advocate General would submit that the issues involved in these writ petitions are identical with the issues raised and considered by this Court in W.P.No.279 of 2006, except a bald statement made in the writ petition to the effect that the industry for whose purpose the lands have been acquired, has encroached upon the Government land.

(7) This Court while disposing of writ petition No.279 of 2006 has observed that the lands have been acquired by the State Government under the provisions of the Land Acquisition Act and the parties whose lands have been acquired have not questioned the legality or otherwise of the notification

issued by the State Government for acquiring the lands, therefore, the Court thought it fit to reject the writ petition.

(8) Except the lands of petitioner - Netram Rathiya, the lands of rest of the petitioners in W.P. No.3285 of 2006, have not been acquired by the State Government. Petitioner Netram Rathiya is a man of means and he can question the correctness or otherwise of the notification issued by the State Government in acquiring his lands for a public purpose, if he so desires. Therefore, the letters sent by him and registered as writ petitions by this Court, in our view, are unnecessary. Therefore, the writ petitions filed by petitioner – Netram Rathiya are rejected. However, liberty is given to him to question the correctness or otherwise of the notification issued by the State Government in acquiring his lands by filing a separate petition before appropriate forum. Insofar as the other petitioners are concerned, their lands have not been acquired by the State Government. In fact, the land-owners whose lands have been acquired by the State Government have not questioned the acquisition proceedings. In our view, at the instance of these petitioners, no action need be taken by this Court. Accordingly, their writ petition is rejected.

(9) If for any reason, the industry for whose purpose the lands have been acquired by the State Government has encroached upon the Government land, it is for the State Government to take appropriate proceedings against the such industry. In fact, in these writ petitions, the petitioners have not brought out any specific instance where the industry has encroached upon the Government land. In the absence of any material particulars, it may not be possible for this Court to take cognizance of the complaint made by the petitioners that the industry has encroached upon the Government lands. In this view of the matter, even this issue cannot be considered and decided by us.

(10) In view of the above, the writ petitions are dismissed. However, liberty is reserved to petitioner - Netram Rathiya to approach the appropriate forum for appropriate relief, if he is of the view that his lands should not have been acquired by the State Government.

(11) Ordered accordingly.

Sd/-
V.K.Shrivastava
Judge

Sd/-
Chief Justice

Rajni/Sabbi